

Comments of Patrick Casey
Plumbers Local 75
Concerning AB 397
Before the Assembly Labor Committee
October 14, 2009

I am Patrick Casey, a licensed Master Plumber, and an instructor in the apprenticeship program at Plumbers Local 75. Plumbers Local 75 is based in Milwaukee, but our organization represents 1,930 licensed professional plumbers in 14 counties in southern Wisconsin.

I first of all want to thank Rep. Soletski and Sen. Plale for co-authoring AB 397; and you, Rep. Sinicki, for being a cosponsor of this important legislation. I also want to thank you, Rep. Sinicki, for having a hearing on this legislation today in your Committee.

I appear before your committee in support of AB 397. As you will hear from others today, this legislation is the culmination of a joint effort by a group of interested individuals and groups. Like Jeff Kuhn, who is also testifying before you today, I am fortunate to serve as a member of the Department of Commerce's Plumbing Advisory Code Council. As a member of that Council, we meet regularly with the Department of Commerce's professional staff to advise the Department in the updating of the provisions of the state's Uniform Plumbing Code. This legislation is a result of conversations we have had in the Plumbing Advisory Code Council during the past several years.

As Rep. Soletski noted in his opening comments, this legislation is intended to update the definition of plumbing to reflect changes in technology and use during the past several years, as well as the growing awareness in the state and country of the need to efficiently and effectively utilize "gray water, harvest stormwater, and protect potable water & water supply systems.

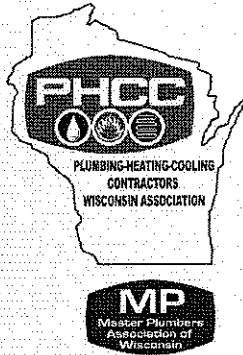
We are proud of the fact that Wisconsin has a long and respected history of protecting the health and safety of its citizens. That history is reflected in the fact that Wisconsin adopted the state's Plumbing Code nearly 100 years ago, on April 6, 1914.

Through the years, the Plumbing Code has been amended several times, but the basic definition of plumbing had not been amended in the Statutes for more than a decade. As you know, the plumbing statutory sections are contained in Chapter 145 of the Statutes. We, and the representatives of the Department of Commerce who

are with us today, know that Chapter 145 also contains statutory sections relating to many other trades and professions. Therefore, the Department and the members of the Plumbing Code Advisory Council who worked on this legislation with Sen. Plale were very careful to make sure that the language before you today does not in any way take away work or responsibilities from other licensed trades or professions. The language is intended to *update* the plumbing definition, but does not expand plumbing's jurisdiction beyond what it is today under the Code.

Jeff Kuhn has already explained in his comments today the basic rationale for this legislation. I will therefore not repeat that information. However, I wanted to appear before you today to let you know that this legislation is supported by both the contractors who employ licensed plumbers and the plumbers themselves. We appreciate the fact that this legislation is the work product of meetings with our regulators at the Department of Commerce, as well as with other trade groups and contractor groups over the past three years. We appreciate their input and their suggestions, and believe that the bill reflects their input.

Thank you for the opportunity to appear before you. I will be happy to attempt to answer any questions you might have concerning the legislation.



Testimony
Assembly Bill 397
Definition of Plumbing
October 14, 2009

Jeffrey R. Kuhn
President, S & K Pump & Plumbing (Brookfield, WI)

On Behalf Of
Plumbing Heating Cooling Contractors – Wisconsin Association
Master Plumbers Association of Wisconsin
Plumbing Contractors Association of SE Wisconsin

Good morning. My name is Jeffrey Kuhn, and I am president of S & K Pump and Plumbing in Brookfield, Wisconsin. I am also the current president of the Plumbing Contractors Association of Southeastern Wisconsin and the Immediate Past President of the Plumbing Heating Cooling Contractors – Wisconsin Association and the Master Plumbers Association of Wisconsin. In addition, I am a Master Plumber and a member of the Plumbing Advisory Code Council for the Department of Commerce.

On behalf of PHCC-Wisconsin, MPA, and PCA, I am testifying in support of Assembly Bill 397, which makes several important changes to the statutory definition of plumbing included in Chapter 145.

As a member of the Plumbing Advisory Code Council, I have participated in the deliberations that resulted in each of the last several code changes in our state. It was during this last round of discussions that the need to redefine “plumbing” became obvious to us.

We understand that the authority of administrative agencies to promulgate code is borne out of the statutes, and while it is clear that the Department of Commerce has authority to regulate the industry, time has caught up with our underlying statute – Chapter 145. We believe that it is necessary for the legislature to reaffirm the Department’s role in regulating the industry, especially in light of the changing nature of our industry.

You might not immediately think that the world of plumbing is changing, but I can assure you that it is. It wasn’t long ago that the concern of our industry was principally public health and safety. And while that remains a priority to this day, we find our industry increasingly challenged by the necessity to play a more significant role in any number of environmental concerns surrounding water.

Let me give you an example as it relates to the language of AB 397.

Under the current definition of plumbing, the work of the industry is limited to “potable” water. “Potable” water is just another way of saying that the water is fit for human consumption. When we were using our surface and ground water without regard to withdrawal rates, we would use clear water – drinking water – to service all of the plumbing fixtures in a property and also use that same water for exterior irrigation.

Today, in a world where we are trying to reduce the amount of water we withdraw from our surface and ground water resources, we are looking more at “reuse” water to serve plumbing fixtures and for irrigation. Reuse water, while clean, is not approved for drinking purposes. What that means is that the water is not “potable.” And therein lies the dilemma and the necessity for AB 397.

Because the industry is now using water that is non-potable to serve plumbing fixtures, we need to go back to our underlying statute and fix the language. The language of AB 397 allows the industry to continue to do its traditional work – protecting public health and safety - and now, protecting the environment as well.

In making the change from “potable” to “non-potable” water, we want to be clear that the intent of AB 397 is not to “move the line” with regard to the work being performed by the plumbing industry, but to preserve the existing lines. We have worked closely both within the industry and outside the industry to be certain that this is the case, and we believe that the efforts have resulted in broad-based support for this bill.

Quite simply, we do not want to see a day when someone claims that a water reclaim unit and the piping to a plumbing fixture is not plumbing because the water is non-potable. Plumbing is licensed because of concerns with situations such as cross connections, where unsanitary water is delivered to fixtures. As you can imagine, a cross-connection involving non-potable – water that is not supposed to be consumed by humans - could be dangerous to a property owner and others using the property. Put another way, AB 397 makes certain that the same standards of public health and safety that are inherent in the existing plumbing law and codes are preserved – regardless of whether the water is potable or not.

In preserving the existing line of protection for consumers, the bill includes language that preserves those same protections for property owners using reclaimed water for purposes other than plumbing. Our industry does not want to run water to cooling towers, for instance, as there are other

trades and contractors who know that work better and should continue to serve their customers well.

Changes in AB 397 that affect storm water follow a similar line of reasoning. They are currently being interpreted as being part of the plumbing industry - but it's time to clarify the underlying statute. It is highly desirable to capture and reuse storm water on site rather than send it, untreated, back to a river or stream or to a sewage treatment plant where it can create a shortage in treatment capacity and result in sewage discharges directly to our lakes and rivers.

And finally, I would note that AB 397 recognizes that some of the language of our industry has changed. In Chapter 145, you will find that "water conditioning" equipment is defined as "plumbing." Water conditioning equipment is, in fact, plumbing, but so too are an assortment of other devices that are used to treat water – filters, reverse osmosis systems, etc. By using the broader "water treatment devices" included in AB 397, we are clarifying that these devices are part of the industry and are subject to the regulatory authority of the Department of Commerce.

We believe that it's good – from time to time – to review the statutes that grant authority to our administrative agencies. While going through this latest round of code changes, we believe that we have identified several

areas where a few small repairs are in order. That's what AB 397 does. We agreed with the need for this review, participated in that process, and support this bill as the appropriate response to update and clarify Chapter 145.

We appreciate the opportunity to testify today and your support for AB 397 as we work to continue our industry's role on protecting the public's health and safety and in advancing our new role – as environmentalists and conservationists as we conserve and protect our state's valuable water resources.

If you have any questions, I will be happy to answer them.

Jeffrey R. Kuhn (Master Plumber #232157)
President
S & K Pump & Plumbing
20880 West Enterprise
Brookfield, WI 53045
(262) 782-7190

For more information:
Jeffrey J. Beiriger
Executive Director
PHCC – Wisconsin Association
660 East Mason Street
Milwaukee, WI 53202
(414) 227-1202

Testimony on Assembly Bill 397
Assembly Committee on Labor
October 14, 2009

Chairperson Sinicki, thank you for holding this hearing on Assembly Bill 397.

AB 397 makes changes to our state plumbing code based on the work of the Department of Commerce's Plumbing Advisory Code Council. The Council consists of representatives from businesses, labor unions, and municipalities. The definition of "plumbing" within the state statutes has not been updated to reflect technological advances in plumbing and an increased understanding of the health risks associated with wastewater and storm water being discharged into public bodies of water. With these changes the Department can provide better guidance to both individual citizens and units of government who are seeking to comply with the state's regulation of plumbing. The intention of the proposed language is to update the definition, to better reflect the current practices in the industry, and better protect our state's residents and our bodies of water from pollution and contamination.

A companion bill, SB 267, has had a hearing in the Senate. These bills have bi-partisan sponsorship.

Representatives of the Department of Commerce and facets of the plumbing industry are here, today, to provide additional testimony regarding this bill.